

RULES OF PROCEDURE
FOR THE
CASWELL COUNTY BOARD OF COMMISSIONERS

I. APPLICABILITY

Rule 1. Applicability of Rules. These rules shall apply to all meetings of the Board of Commissioners of Caswell County at which the Board is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law.

II. OPEN MEETINGS

Rule 2. Meetings to be Open. (a) It is the public policy of North Carolina and of Caswell County that the hearings, deliberations, and actions of this Board and its committees be conducted openly.

(b) Except as otherwise provided in these rules and in accordance with applicable law, each official meeting of the Caswell County Board of Commissioners shall be open to the public and any person is entitled to attend such a meeting.

(c) For the purpose of the provisions of these rules concerning open meetings, an official meeting of the Board is defined as any gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of Board members for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting public business within the jurisdiction, real or apparent, of the Board.

Rule 3. Closed Sessions. (a) Notwithstanding the provisions of Rule 2, the Board may hold a closed session and exclude the public under the circumstances provided by G.S. §143-318.1, as amended from time to time, as follows.

- (1) To prevent the disclosure of information that is privileged or confidential.
- (2) To prevent the premature disclosure of an honorary degree, scholarship, prize or similar award.
- (3) To consult with an attorney employed or retained by the County in order to preserve attorney/client privilege.
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the County, including agreement on a tentative list of economic development incentives that may be offered.
- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of a public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

- (6) To consider the compensation, terms of appointment and performance of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.
- (7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- (8) To formulate plans by a local board of education relating to emergency response to incidents of school violence or to formulate and adopt the school safety components of school improvement plans by a local board of education or a school improvement team.
- (9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist, activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.
- (10) To view a recording released pursuant to G.S. 132-1.4A.

(b) The Board may go into closed session only upon a motion made and adopted at an open meeting. A motion to go into closed session must cite one of the more of the permissible purposes listed in G.S. §143-318.11 as it is from time to time amended.

(c) Unless the motion to go into closed session provides otherwise, the County Manager, County Attorney, and Clerk to the Board may attend the closed session. No other person may attend the closed session unless specifically invited by majority vote of the Board.

III. ORGANIZATION OF THE BOARD

Rule 4. Organizational Meeting. (a) Even-Numbered Years. The Board shall hold an organizational meeting on the first Monday in December of each even-numbered year. The agenda for this organizational meeting shall be limited to induction of newly elected members of the Board of County Commissioners and other elected County officials and organization of the Board for the ensuing year. The Clerk to the Board of Commissioners shall call the meeting to order and shall preside until a Chair is elected. If they have not already been sworn and inducted into office, the newly elected members of the Board shall take and subscribe the oath of office as the first order of business. As the second order, the Board shall elect a Chair and Vice-Chair from among its members. As the third order, the Board shall approve the bonds of the Sheriff and the Register of Deeds and induct them and any other newly elected County officials into office. As the fourth and fifth orders of business, the Board may appoint a Clerk and an Attorney.

(b) Odd-Numbered Years. At the first regular meeting in December of each odd-numbered year, the first order of business shall be approval of the minutes of the previous meeting. The Clerk to the Board of Commissioners shall call the meeting to order and shall preside until a Chair is elected. The second order of business shall be election of the Chair and Vice-Chair for the ensuing year. The third and fourth orders of business may be appointment of the Clerk and County Attorney.

Rule 5. Election of the Chair. The Chair of the Board shall be elected annually for a term of one year and shall not be removed from the office of Chair unless he or she becomes disqualified to serve as a member of the Board.

IV. REGULAR AND SPECIAL MEETINGS

Rule 6. Regular and Special Meetings. (a) Regular Meetings. The Board shall hold a regular meeting on the first and third Monday of each month. If a regular meeting day is a holiday on which county offices are closed, the meeting shall be held on the next business day or such succeeding day as may be specified in the motion adjourning the immediately preceding regular meeting. The Board shall establish the time and place for regular meetings.

(b) Special Meetings. The Chair or a majority of the members of the Board may at any time call a special meeting of the Board by signing a notice stating the time and place of the meeting and the subjects to be considered. The person or persons who call the meeting shall cause the notice to be posted on the principal bulletin board of the County and delivered to the Chair and all other Board members or left at the usual dwelling place of each member at least 72 hours before the meeting. In addition, the notice shall be mailed or delivered to individual persons and news media organizations who have requested such notice as provided in subsection (d), below. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or those who are not present have signed a written waiver.

(c) Emergency Meetings. If a special meeting is called to deal with an unexpected circumstance that requires immediate consideration by the Board, the notice requirements of this rule do not apply. However, the person or persons who call an emergency meeting shall take reasonable action to inform the other members and the public of the meeting. Local news media organizations, who have requested notice of special meetings as provided in subsection (d), below, shall be notified of such emergency meetings by the same method used to notify Board members. Only business connected with the emergency may be discussed at the meeting.

(d) Sunshine List. Any individual person and any newspaper, wire service, radio station, and television station may file with the Clerk to the Board of Commissioners a written request for notice of all special meetings of the Board. Requests by individuals must be renewed on or before the last day of each calendar quarter and are subject to a \$10.00 nonrefundable annual fee. Requests made by news media organizations must be renewed annually on or before January 1 and are not subject to any fee.

(e) Work Sessions and Committee Meetings. The Board may schedule work sessions, committee meetings, or other informal meetings of the Board or a majority of the members of the Board at such times and with respect to such subject matter as may be established by resolution or order of the Board. A schedule of any such meetings that are held on a regular basis shall be filed in the same place and manner as the schedule of regular meetings. Work

sessions and other informal official meetings not held on a regular schedule are subject to the same notice requirements as special Board meetings.

Rule 7. All Meetings within the County. All meetings shall be held within the boundaries of Caswell County except as otherwise provided herein.

1. A joint meeting with the governing board of any other political subdivision of this State or any other State may be held within the boundaries of either subdivision as may be stated in the call of the meeting. At any such joint meeting, this Board reserves the right to vote separately on all matters coming before the joint meeting.
2. A special meeting called for the purpose of considering and acting upon any order or resolution requesting members of the General Assembly representing all or any portion of this County to support or oppose any bill pending in the General Assembly or proposed for introduction therein shall be held in Raleigh or such other place as may be stated in the call of the meeting.

Rule 8. Broadcasting and Recording Meetings.

- (a) Except as provided in this rule, any person is entitled to broadcast all or any part of an official meeting of the Board that is required to be open to the public. Any person may photograph, film, tape-record, or otherwise reproduce any part of a meeting required to be open.
- (b) Any person wishing to broadcast any portion of an official meeting of the Board shall so notify the County Manager no later than twenty-four hours before the meeting. If the number of requests or the quantity and size of the necessary equipment is such that the meeting cannot be accommodated in the designated meeting room and no suitable alternative site in the County office building is available, the County Manager may require the news media either to pool equipment and personnel or to secure and pay the costs of an alternative meeting site that is mutually agreeable to the Board and the media representative.

V. AGENDA

Rule 9. Agenda. (a) The Clerk to the Board shall prepare the agenda for each regular, special, and emergency meeting. A request to have an item of business placed on the agenda for a regular meeting must be received no later than 12:00 p.m. the Tuesday before the meeting with supporting documentation that is relevant to the item. Any Board member may, by a timely request, have an item placed on the agenda.

(b) The agenda packet shall include the agenda document, any proposed ordinances or amendments to ordinances, and supporting documentation and background information relevant to items on the agenda. A copy of the agenda packet shall be delivered to each member of the Board at least ninety-six hours before the meeting. Documents in the agenda

packet, if not previously available for public inspection, shall become so when packets have been delivered to each Board member or left at his or her usual dwelling.

(c) The Board may, by majority vote, add an item that is not on the agenda.

Rule 10. Informal Public Comments. The Clerk to the Board shall include on the agenda of each regular meeting a period for comments or questions from members of the public in attendance. The County's Public Comments Rules and Procedures shall apply to the comments from the members of the public.

VI. CONDUCT OF DEBATE

Rule 11. Powers of the Chair. The Chair shall preside at all meetings of the Board. A member must be recognized by the Chair in order to address the Board. The Chair shall have the following powers:

1. To rule on points of parliamentary procedure, including the right to rule out of order any motion patently offered for obstructive or dilatory purposes.
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground.
3. To call a brief recess at any time.
4. To adjourn in an emergency.

Rule 12. Presiding Officer When the Chair is in Active Debate. If the Chair wishes to become actively engaged in debate on a particular proposal, he or she shall designate another Board member or a staff member to preside. The Chair shall resume the duty to preside as soon as action on the matter is concluded.

Rule 13. Action by the Board. The Board shall proceed by motion. Any member, including the Chair, may make a motion.

Rule 14. Second Required. A motion shall require a second.

Rule 15. One Motion at a Time. A member may make only one motion at a time.

Rule 16. Substantive Motion. A substantive motion is out of order while another substantive motion is pending.

Rule 17. Adoption by Majority Vote. A motion shall be adopted if approved by a majority of the votes cast, a quorum being present, unless an extraordinary majority is required by these rules or the laws of North Carolina.

Rule 18. Debate. The Chair shall state the motion and then open the floor to debate, presiding over the debate according to these general principles:

1. The member making the motion or introducing the ordinance, resolution, or order is entitled to speak first.
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken.
3. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

Rule 19. Procedural Motions. (a) In addition to substantive proposals, the procedural motions listed in subsection (b) of this rule, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

(b) In order of priority (if applicable), the procedural motions are:

1. To Adjourn. The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.
2. To Take a Recess.
3. To Call to Follow the Agenda. The motion must be made at the first reasonable opportunity or it is waived.
4. To Suspend the Rules. The motion requires a vote equal to a quorum.
5. To Divide a Complex Motion and Consider it by Paragraph.
6. To Defer Consideration. A substantive motion whose consideration has been deferred expires one hundred days thereafter, unless a motion to revive consideration is adopted.
7. To Call the Previous Question. The motion is not in order until there have been at least twenty minutes of debate and every member has had one opportunity to speak.
8. To Postpone to a Certain Time or Day.

9. To Refer to Committee. Sixty days after a motion has been referred to a Committee, the introducer may compel consideration of the measure by the entire Board, regardless of whether the Committee has reported the matter back to the Board.
10. To Amend. An amendment to a motion must be germane to the subject of the motion, but it may not achieve the opposite effect of the motion. There may be an amendment to the motion and an amendment to an amendment, but no further amendments. Any amendment to a proposed ordinance shall be reduced to writing.
11. To Revive Consideration. The motion is in order at any time within one hundred days of a vote deferring consideration of it. A substantive motion on which consideration has been deferred expires one hundred days after the deferral, unless a motion to revive consideration is adopted.
12. To Reconsider. The motion must be made at the same meeting at which the original vote was taken, and by a member who voted with the prevailing side. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before adjournment.
13. To Prevent Reconsideration for Six Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires a vote equal to a quorum and is valid for six months or until the next regular election of County Commissioners, whichever occurs first.

Rule 20. Renewal of Motion. A defeated motion may not be renewed at the same meeting.

Rule 21. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before the Chair puts the motion to a vote.

Rule 22. Duty to Vote. It is the duty of each member to vote unless excused by a majority vote according to law. The Board may excuse members from voting on matters involving their own financial interest or official conduct. A member who wishes to be excused from voting shall so inform the Chair, who shall take a vote of the remaining members. A member who fails to vote, not having been excused, shall be recorded as voting in the affirmative.

Rule 23. Prohibition of Secret Voting. No vote may be taken by secret ballot. If the Board decides to vote by written ballot, each member shall sign his or her ballot and the minutes shall record the vote of each member. These ballots shall be retained and made available for public inspection until the minutes of that meeting have been approved, at which time they may be destroyed.

Rule 24. Action by Reference. The Board shall not deliberate, vote, or otherwise act on any matter by reference to an agenda or document number unless copies of the agenda or documents being referenced are available for public inspection at the meeting and are so worded that people at this meeting can understand what is being discussed or acted on.

Rule 25. Introduction of Ordinances. A proposed ordinance shall be deemed introduced at the first meeting at which it is on the agenda, regardless of whether it is actually considered by the Board, and its introduction shall be recorded in the minutes.

Rule 26. Adoption, Amendment, or Repeal of Ordinance. To be adopted at the meeting where first introduced, an ordinance or any action with the effect of an ordinance, or any ordinance amending or repealing an existing ordinance (except the budget ordinance, a bond order, or another ordinance requiring a public hearing before adoption) must be approved by all members of the Board of Commissioners. If the proposed measure is approved by a majority of those voting, but not all the members of the Board, or if the measure is not voted on at the meeting where introduced, it shall be considered at the next regular meeting of the Board. If the proposal receives a majority of the votes cast at the next meeting or within one hundred days of being introduced, it is adopted.

Rule 27. Consideration of Unbudgeted Expenditures. No votes on expenditures for off-budget spending in excess of \$10,000 shall be held unless tabled from a prior meeting.

Rule 28. Quorum. A majority of the Board membership shall constitute a quorum. The number required for a quorum is not affected by vacancies. If a member has withdrawn from a meeting without being excused by majority vote of the remaining members present, he or she shall be counted as present for the purposes of determining whether a quorum is present. The Board may compel the attendance of an absent member by ordering the Sheriff to take the member into custody.

Rule 29. Public Hearings. Public hearings required by law or deemed advisable by the Board shall be organized by the Clerk to the Board on the appropriate agenda, setting forth the subject, date, place, and time of the hearing as well as any rules adopted by the Board governing the conduct of the public hearing, including, but not limited to, the length of time allotted to each speaker and designating representatives to speak for large groups. At the appointed time, the Chair shall call the hearing to order and preside over it. When the allotted time expires, the Chair shall inform the Board, and the Board may, by majority vote, declare the hearing ended and resume the regular order of business. If there is no motion to conclude the hearing, it may continue until there are no more speakers, or until such a motion is made and adopted.

Rule 30. Quorum at Public Hearings. A quorum of the Board shall be required at all public hearings required by law.

Rule 31. Minutes. Minutes shall be kept of all Board meetings.

Rule 32. Appointments. The Board shall use the following procedure to make appointments to fill vacancies in other boards and public offices over which the Board has power of appointment.

The Chair shall open the floor to nominations, whereupon the members shall put forward and debate names of possible appointees. When debate ends, the Chair shall call the roll of the members, and each member shall vote. The votes shall not be tallied until each member has voted.

Each vote shall be decided by a majority of the valid ballots cast (a majority is determined by dividing the number of valid ballots cast by two and taking the next highest whole number). It is the duty of each member to vote for as many appointees as there are appointments to be made, but failure to do so does not invalidate that member's ballot.

Rule 33. Appointments to the Board of Commissioners.

The Board shall use the following the procedures in G.S. §153A-27, as amended from time to time, to make appointments to fill vacancies in the Board itself as follows:

(a) If a vacancy occurs on the board of commissioners, the remaining members of the board shall appoint a qualified person to fill the vacancy. If the number of vacancies on the board is such that a quorum of the board cannot be obtained, the chairman of the board shall appoint enough members to make up a quorum, and the board shall then proceed to fill the remaining vacancies. If the number of vacancies on the board is such that a quorum of the board cannot be obtained and the office of chairman is vacant, the clerk of superior court of the county shall fill the vacancies upon the request of any remaining member of the board or upon the petition of any five registered voters of the county. If for any other reason the remaining members of the board do not fill a vacancy within 60 days after the day the vacancy occurs, the clerk shall immediately report the vacancy to the clerk of superior court of the county. The clerk of superior court shall, within 10 days after the day the vacancy is reported to him, fill the vacancy.

(b) If the member being replaced was serving a two-year term, or if the member was serving a four-year term and the vacancy occurs later than 60 days before the general election for county commissioner held after the first two years of the term, the appointment to fill the vacancy is for the remainder of the unexpired term. Otherwise, the term of the person appointed to fill the vacancy extends to the first Monday in December next following the first general election for county commissioner held more than 60 days after the day the vacancy occurs; at that general election, a person shall be elected to the seat vacated, either to the remainder of the unexpired term or, if the term has expired, to a full term.

(c) To be eligible for appointment to fill a vacancy, a person must (i) be a member of the same political party as the member being replaced, if that member was elected as the nominee of a political party, and (ii) be a resident of the same district as the member being replaced, if the county is divided into electoral districts. The board of commissioners or the clerk of superior court, as the case may be, shall consult the county executive committee of the appropriate political party before filling a vacancy, but neither the board nor the clerk of the superior court is bound by the committee's recommendation.

Rule 34. Reference to Robert's Rules of Order. To the extent not provided for in, and not conflicting with the spirit of, these rules, the Chair shall refer to Robert's Rules of Order to resolve procedural questions.